

**BOARD OF ENVIRONMENTAL REVIEW  
AGENDA ITEM  
EXECUTIVE SUMMARY FOR RULE ADOPTION**

**AGENDA # III.A.1.**

**AGENDA ITEM SUMMARY** - The Board has proposed amendments to the public water supply rules to:

1. Adopt new EPA primacy rules and revisions of existing primacy rules regarding the regulation of public water supplies;
2. Amend existing language regarding persons responsible for illegal construction of public water and sewage systems; and
3. Amend existing rules for housekeeping purposes and clarification.

**LIST OF AFFECTED RULES** - ARM 17.38.101, 201A, 203, 204, 205, 208, 215, 216, 225, 234, and 239.

**AFFECTED PARTIES SUMMARY** - Owners of all public water supply and public sewage systems. Examples of these systems include cities, towns, water and sewer districts, subdivisions, mobile home parks, businesses and schools. These changes will also affect any other “person” that may modify a public water or wastewater system. Examples include engineers, contractors, water treatment installers, and well drillers.

**SCOPE OF PROPOSED PROCEEDING** - The Board is considering final action on adoption of amendments to the above-referenced rules as proposed in the Montana Administrative Register.

**BACKGROUND** - EPA requires that states with primacy for the Safe Drinking Water Act adopt all rules and rule revisions regarding the regulation of public water supplies. Rules proposed for adoption include EPA’s “Enhanced Filtration and Disinfection-Systems Serving Fewer Than 10,000 People”, “Enhanced Filtration and Disinfection-Systems Serving 10,000 or More People”, and Appendices to 40 CFR 141 Subparts “O” and “Q”. The other revisions are necessary to provide consistency and clarity in implementation and enforcement of existing rules with existing statutory requirements.

**HEARING INFORMATION** - Thomas Bowe conducted a public hearing on November 15, 2004, on the proposed amendments. Two public comments were received. The Presiding Officer Report and the draft Notice of Amendment are attached to this executive summary.

**BOARD OPTIONS** - The Board may:

1. Adopt the proposed amendments as set forth in the attached Notice of Amendment;
2. Adopt the proposed amendments with revisions that the Board finds are appropriate and that are consistent with the scope of the Notice of Public Hearing on Proposed Amendment and the record in this proceeding; or

3. Decide not to adopt the amendments.

**DEQ RECOMMENDATION** - The Department recommends that the Board adopt the amendments as proposed.

**ENCLOSURES :**

1. Notice of Public Hearing on Proposed Amendment;
2. Presiding Officer's Report; and
3. Draft Notice of Amendment.